REMARKS

Claim 1-37 are pending in the present Application. In view of the following remarks, Applicants respectfully request reconsideration of the rejection and allowance of the present Application.

Amendments to the Claims

Claims 1, 24, 34, and 36 have been amended to correct a typographical error. No new matter is added by way of the present amendments.

§ *103 Rejection of the Claims*

Claims 1-37 were rejected under 35 U.S.C. § 103(a) as being obvious over Boesch et al. (U.S. Patent No. 5,897,621, hereinafter; *"Boesch"*). *Office Action, 2*. Applicants respectfully traverse.

Claim 1 recites, in part, "the user interface to enable a receiving of a selection from the recipient, the selection from the recipient is selected from a group consisting of an acceptance of the payment in the sender-selected currency and a denial of the payment in the sender selected currency." In other words, the receiver (e.g., a merchant) may approve or deny payment in a sender-selected currency.

In contrast, *Boesch* clearly states "[i]t is not required that the merchant user 303 know or approve the customer selected currency, that is, the currency in which the customer user 203 will pay." *Boesch, col. 7 lines 60-63*. "Approval of a currency would be, for example, where the customer user 203 would need the permission of the merchant user 303 to pay in a given customer selected currency." *Boesch, col. 8, lines 4-7*. As such, *Boesch* clearly *teaches away* from this limitation of claim 1, and claim 1 is not obvious in view of *Boesch*.

Independent claims 24, 34, and 36 recite similar language with respect to a limitation of "receiving of a selection from the recipient, the selection from the recipient is selected from a group consisting of an acceptance of the payment in the sender-selected currency and a denial of the payment in the sender selected currency." Therefore, claims 24, 24, and 36 are not obvious over *Boesch* for at least the same reason as that provided for claim 1.

AMENDMENT AND RESPONSE UNDER 37 C.F.R § 1.111
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Independent claims 13, 31, 35, and 37 recite a limitation directed to "receiving from the recipient via the communications network data indicating a recipient decision with respect to an acceptance of the payment in the sender-selected currency." As discussed above with respect to claim 1, *Boesch* does not require that the recipient (e.g., merchant user) approve or accept the customer selected currency. This acceptance is not required because the invention of *Boesch* is directed to, and always requires, "that the server be able to convert one such currency into the other." *Boesch, col. 7, lines 65-67.* Therefore, independent claims 13, 31, 35, and 37 are not obvious over *Boesch* because *Boesch* teaches away from at least one limitation of claims 13, 31, 35, and 37.

Applicants respectfully disagree with the Examiner's rejection of claim 2-12, 14-23, 25-30, 32, and 33 for at least the reason that claims 2-12, 14-23, 25-30, 32, and 33 depend from otherwise allowable independent claims as discussed in detail herein. "A claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers." 35 U.S.C. §112 ¶4. As such, Applicants contend that dependent claims 2-12, 14-23, 25-30, 32, and 33 are allowable for at least the same reason as the independent claim from which they depend.

CONCLUSION

Based on the foregoing remarks, Applicants believe the rejections to the claims have been overcome and that present Application is in condition for allowance. The Examiner is invited to telephone Applicants' undersigned representative at (408) 278-4057 to facilitate prosecution of this application.

If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

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Date   March 16, 2009   By   /Susan Yee/
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 16, 2009.

_____CHRIS BRATT_____   _____
Name   Signature